

Senate Community Affairs Legislation Committee

ADDITIONAL ESTIMATES – 11 FEBRUARY 2016 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Departmental staff misconduct

Question reference number: HS 99

Senator: Ludwig

Type of question: Written

Date set by the committee for the return of answer: 4 April 2016

Number of pages: 2

Question:

Since the change of Prime Minister on 14 September, 2015:

- a) Please provide a copy of the departmental staff code of conduct.
- b) Have there been any identified breaches of this code of conduct by departmental staff?
 - 1) If yes, list the breaches identified, broken by staffing classification level.
 - 2) If yes, what remedy was put in place to manage the breach? If no remedy has been put in place, why not?
 - 3) If yes, when was the breach identified? By whom? When was the Minister made aware?
 - 4) If yes, were there any legal ramifications for the department or staff member? Please detail.

Answer:

Employees of the Department of Human Services are bound by the Australian Public Service (APS) Code of Conduct as contained in section 13 of the *Public Service Act 1999*.

- a) In the period 14 September 2015 to 31 January 2016, 162 investigations have been finalised with 159 of these determined to be breaches of the APS Code of Conduct.
 - 1) The following table outlines the number of breaches that were proven at each classification level.

APS Classification	Employees with breaches proven
APS1 & equivalent	2
APS2	1
APS3	61
APS4	59
APS5	10
APS6 & equivalent	21
EL1 & equivalent	4
EL2	1

- 2) The following table outlines the sanctions that were applied in accordance with section 15(1) of the *Public Service Act 1999*.

Sanction	Number*
Employment terminated	21
Reduction in Salary	63
Reduction in classification	3
Reassignment of duties	2
Fine	42
Reprimand	109
Resigned or exited the department	29

* An individual may receive more than one sanction for breaches of the APS Code of Conduct.

- 3) The following table outlines the month in which each of the investigations commenced.

Month	Number
March 2015	1
May 2015	9
June 2015	13
July 2015	17
August 2015	34
September 2015	41
October 2015	21
November 2015	13
December 2015	7

The following table outlines the method by which each of the breaches of the APS Code of Conduct were detected.

Detection Method	Number
A report made to a central conduct or ethics unit or nominated person in a human resources area	46
A report made to a fraud prevention and control unit or hotline	4
A report generated by a compliance/monitoring system (e.g. audit)	106
Other	3

The department has not provided the Minister with a briefing in relation to these matters.

- 4) Refer to the response provided at (b)(2) above.